

AO 441 (Rev. 8/01) Third Party Summons in a Civil Action

UNITED STATES DISTRICT COURT

Southern

District of

New York

PLAINTIFF

Banco Popular Dominicano, C. Por A.

V. DEFENDANT AND THIRD PARTY PLAINTIFF

Levi Strauss & Co.

THIRD PARTY SUMMONS IN A
CIVIL ACTION

Case Number: 07 Civ. 6443 (LTS) (THK)

V. THIRD PARTY DEFENDANT

Southern Textile Dominicana, Inc.

To: Name and address of Third Party Defendant

Southern Textile Dominicana, Inc.
c/o Precision Custom Cutting
200 Maltese Drive
Totowa, New Jersey 07512 Attn: President

YOU ARE HEREBY SUMMONED and required to serve on

PLAINTIFF'S ATTORNEY (name and address)

Mary Ellen Shuttleworth, Esq.
HERRICK, FEINSTEIN LLP
2 Park Avenue
New York, NY 10016

DEFENDANT AND THIRD-PARTY PLAINTIFF'S ATTORNEY
(name and address)

COOLEY GODWARD KRONISH LLP
1114 Avenue of the Americas
New York, NY 10036
Attn: Ronald R. Sussman, Esq.
(212) 479-6000

-and-

Attn: Robert L. Eisenbach III, Esq.
101 California Street, 5th Floor
San Francisco, CA 94111-5800

an answer to the third-party complaint which is served on you with this summons, within _____ days after the service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default may be taken against you for the relief demanded in the third-party complaint. There is also served on you with this summons a copy of the complaint of the plaintiff. You have the option of answering or not answering the plaintiff's complaint, *unless* (1) this is a case within Rule 9(h) Federal Rules of Civil Procedure, *and* (2) the third-party plaintiff is demanding judgment against you in favor of the original plaintiff under the circumstances described in Rule 14(c) Federal Rules of Civil Procedure, in which situation you are required to make your defenses, if any, to the claim of plaintiff as well as to the claim of the third-party plaintiff. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

J. MICHAEL McMAHON

AUG 27 2007

CLERK

DATE

(By) DEPUTY CLERK

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RETURN OF SERVICE		
Service of the Summons and complaint was made by me ⁽¹⁾	DATE	
NAME OF SERVER	TITLE	
<i>Check one box below to indicate appropriate method of service</i>		
<div><input type="checkbox"/> Served personally upon the third-party defendant. Place where served:</div> <div><input type="checkbox"/> Left copies thereof at the third-party defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein. Name of person with whom the summons and complaint were left:</div> <div><input type="checkbox"/> Returned unexecuted:</div> <div><input type="checkbox"/> Other (specify):</div>		
STATEMENT OF SERVICE FEES		
TRAVEL	SERVICES	TOTAL \$0.00
DECLARATION OF SERVER		
<p>I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.</p> <p>Executed on _____ Date</p> <p>_____ Signature of Server</p> <p>_____ Address of Server</p>		

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

-----X
BANCO POPULAR DOMINICANO, C. POR A.,

Plaintiff,

-against-

LEVI STRAUSS & CO.,

Defendant and Third Party Plaintiff,

SOUTHERN TEXTILE DOMINICANA, INC.,

Third Party Defendant.
-----X

Case No.: 07 Civ 6443 (LTS) THK)

AFFIDAVIT OF SERVICE

STATE OF NEW YORK)

)

ss.:

COUNTY OF NEW YORK)

)

JUAN ROLDAN, being duly sworn, deposes and says:

1. That I am not a party to this action, am over eighteen years of age and reside in the State of New Jersey;
2. That on August 27, 2007, at approximately 3:29 p.m., I served by hand a true and correct copy of the **THIRD PARTY SUMMONS IN A CIVIL ACTION, ANSWER WITH COUNTERCLAIM AND THIRD PARTY COMPLAINT IN INTERPLEADER**, all upon **SOUTHERN TEXTILE DOMINICANA, INC., C/o Precision Custom Cutting**, by Personal Delivery, via Mr. Peter Longo, who identified himself as a "Chairman of Precision Custom Coatings LLC" as well as being authorized, as Agent to accept service on behalf of Southern Textile Dominicana, Inc., C/o Precision Custom Cutting, which service was effected at the business address indicated below:

SOUTHERN TEXTILE DOMINICANA, INC.
C/o Precision Custom Cutting
200 Maltese Drive / 1st Floor
Totowa, New Jersey 07512

3. **Mr. Peter Longo** can best be described as:


Male – White skin – Brown hair - Approximately 44 – 54 years of age, 5'7" - 5'11" and 155 - 195 lbs.

Dated: August 27, 2007
New York, New York

JUAN ROLDAN

License No.: 0983113

Sworn to before me on this the 27th day of August 2007.


NOTARY PUBLIC

HOLLY ROLDAN
Notary Public, State of New York
No. 01R06125752
Qualified in New York County
Commission Expires April 20, 2009